

2014

Municipal Court Business Plan



City of Sugar Land

MUNICIPAL COURT 2014 BUSINESS PLAN

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MUNICIPAL COURT 2014 BUSINESS PLAN

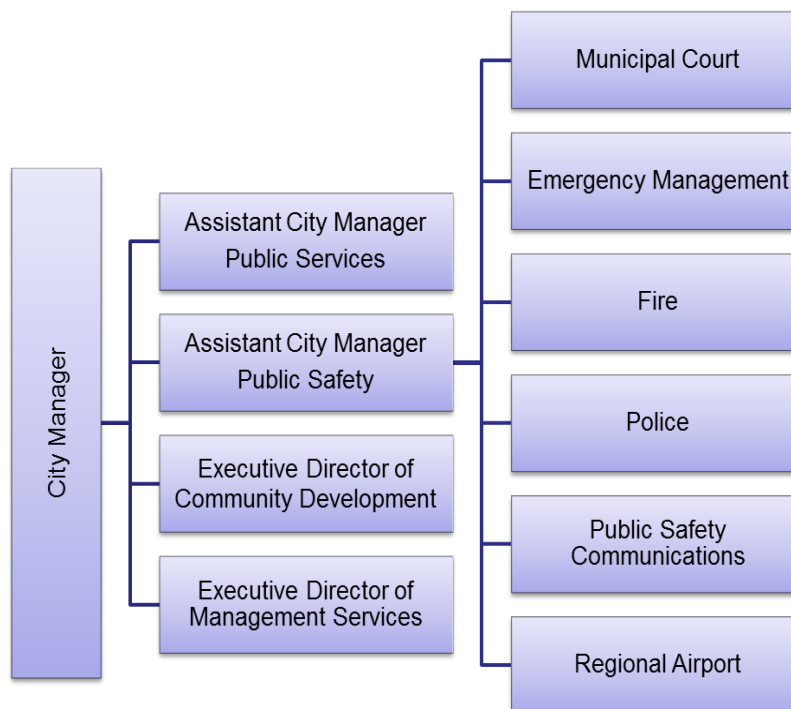
EXECUTIVE SUMMARY

The Sugar Land Municipal Court is committed to maintaining the City's ability to accomplish essential functions of government while continuing to maintain the financial integrity of the City, to operate in a timely and efficient manner, and to provide superior customer service to both internal and external users. It is also the court's duty to provide fair and impartial treatment to all persons who appear in court.

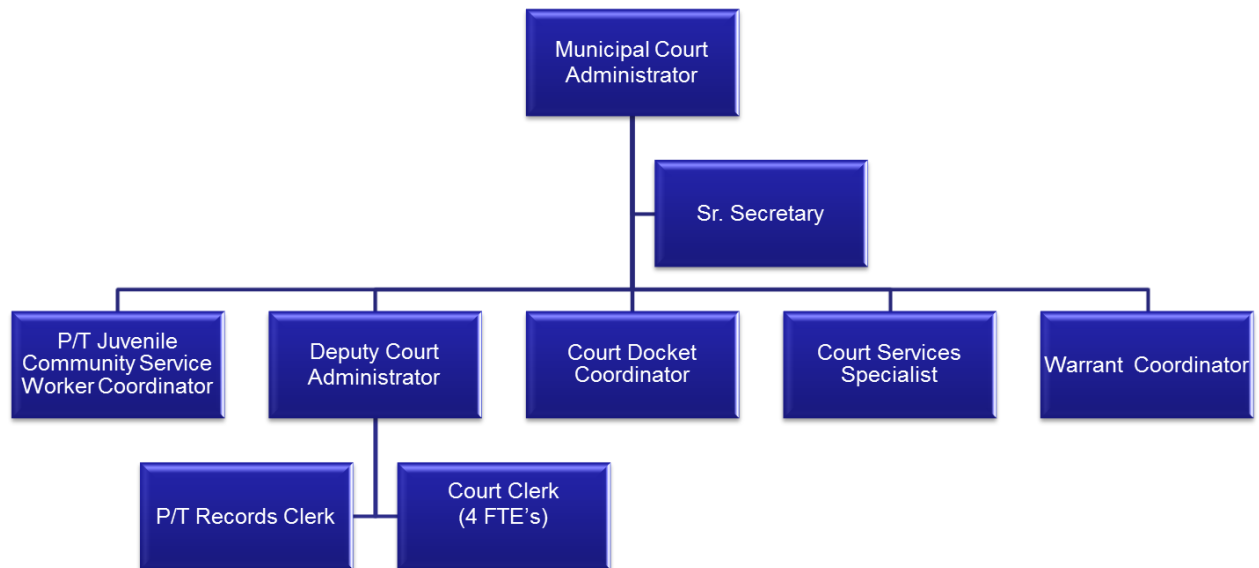
MISSION STATEMENT

The mission of the Sugar Land Municipal Court is to effectively and efficiently process cases that are filed in our court. The municipal court strives to promote a high level of public confidence by providing fair and impartial justice, while providing exceptional customer service to the public.

ORGANIZATIONAL STRUCTURE



DEPARTMENTAL STRUCTURE



FUNCTIONAL STRUCTURE



2014 PROGRAM OF SERVICES

MUNICIPAL COURT-1350

PROGRAM SUMMARY

The Sugar Land Municipal Court is the judicial branch of municipal government. Our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us. It is the responsibility of the court to provide courteous services to citizens in the disposition of cases, to be timely and efficient and to operate in accordance with applicable state statutes. The municipal court has jurisdiction of Class C misdemeanors that are filed in the Sugar Land Municipal Court by the Sugar Land Police Department (SLPD), Fire Department, Inspection, Animal Control, Code Enforcement and Community Assistance Support Team (CAST) volunteers.

Court administration maintains regular communication with the presiding judge and city prosecutor regarding court policies and procedures. The court also collaborates and provides assistance to the police department, attorneys, other criminal justice agencies and courts.

The Sugar Land Municipal Court consists of judicial and administrative staff. The judiciary division consists of one presiding judge who is a full-time employee and four (4) associate judges that work part-time. In the court's administrative division, there are ten (10) full-time employees, which include a municipal court administrator, a deputy court administrator, a senior secretary, a docket coordinator, a customer service specialist, a warrant coordinator, and four (4) court clerks. The municipal court also has two (2) part-time employees, which include a records clerk and a juvenile community service worker coordinator.

SERVICES AND SERVICE LEVELS

Service: Customer Service Coordination

The Sugar Land Municipal Court's hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday (excluding holidays) to provide assistance to citizens and defendants that appear in court. Arraignments are conducted at 9:00 a. m. Tuesday through Friday.

The court provides administrative and clerical support for municipal court proceedings. Staff ensures that the court is accessible in terms of hours, openness of proceedings, clarity of procedures and options available, and that the individuals appearing before the court are treated with respect. Staff is committed to achieving the highest level of customer service by providing accurate information that is communicated in an efficient and effective manner through the integration of people and technology. The court continues to identify and implement process improvements that will allow the court to continue to respond to increased case filings and activity with current staff.

New Program - In fiscal year 2014 the court plans to implement a paper lite system, which will allow the court to streamline its processes and improve efficiencies. The new court system will allow court staff to

reduce the use of printed documents. This software will also allow multiple users to simultaneously search and locate files with ease, which will help court staff to be more efficient. The court will also save space and money on supplies.

Last fiscal year the Sugar Land Municipal Court serviced approximately 90% of the public in person. The court offers other methods for defendants to take care of their citations, which include by mail, by phone, and online.

Court Brochure:

The court provides the police department with a yearly supply of 25,000 court brochures titled, "Taking Care of Your Ticket," which are distributed by a police officer to every violator on a traffic stop. The brochure is also available on the City's website and in the court lobby. The brochure details court options that allow defendants to prevent a conviction from being recorded on their state driving record. The information outlined in the brochure include the options for taking a driving safety course (DSC), requesting deferred disposition (probation), requesting a 30-day extension of time to pay, or simply paying the full amount of the fine. The brochure offers the defendant a convenient method in taking care of their ticket by completing an option form and mailing it to the court without making a court appearance.

Interactive Voice Response (IVR) & Website:

The municipal court offers two methods in which defendants can take care of their citations via phone. The court uses a third party vendor, Official Payments, which allow defendants to pay their citations by phone and online. The court also uses an Interactive Voice Response System (IVR), which is an automated phone service that provides the defendant the option to make payments over the phone 24 hours a day, 7 days a week.

New Program - In August of 2013, the municipal court implemented a new online software called Insite. This software was developed by Tyler Technologies and it allows defendants to pay their citation online; and gives them the option to request an extension to pay, request a driver safety course and/or request deferred disposition. Currently the municipal court has activated the payment option and requests for extensions and driver safety course on Insite. The court is still working on getting the deferred disposition portion of the software operational. The court's goal is to have the deferred disposition option available to defendants in fiscal year 2014.

Activity: Court Case Records

On occasion, the court is asked to provide information on court case records by the public. The court promptly complies with these requests by providing the documents within ten (10) business days as required by state law for non-bulk requests. The Code of Ordinance Section 2-136 establishes copy costs for records.

Court case records are maintained according to the state records retention schedule governing judicial records. Closed cases are filed in numerical order according to the cause number and stored in the file room. Court personnel routinely monitor file room space and older cases are stored in boxes and identified for archiving. Each year those records that qualify for destruction are identified

and destroyed in accordance with state law. A document indicating records destroyed and date of such action is maintained.

Service: Arraignments and Trials

The U. S. and Texas Constitutions provide that the accused in a criminal case is entitled to due process of law. Due process is the right of the accused to: the right to receive notice of the charges against the accused; the right to fair trial; and the right to a neutral and fair judge or magistrate.

The right to a fair trial means that the accused has the right to: a speedy trial; a public trial; a fair and impartial jury; be represented by counsel; remain silent and to not give evidence against one's self; the presumption of innocence; and have the State prove each element of an offense beyond a reasonable doubt.

The Sugar Land Municipal Court abides by the law set forth by the U. S. and Texas Constitutions. Our court conducts arraignments (Defendant's initial court appearance), which are held Tuesday through Friday at 9:00 a.m. For cases that are not disposed of prior to an arraignment, pre-trials and trials are set accordingly.

If the defendant is not satisfied with the judgment of the court or verdict of the jury, he/she may appeal his/her case or request a new trial. The docket coordinator provides information (Rules of the Court) for filing an appeal.

Activity: Pre-Trials

Pre-Trials are provided to timely offer access to defendants and their attorneys, or pro se defendants, who are scheduled to see the prosecutor and appear before the judge for case documentation and problem solving information services.

Pre-trials are conducted on a first come, first serve basis and are held every second, third, and fourth Tuesday of the month at 1:30 p.m. in the main courtroom. The majority of cases set for jury trial go through a pre-trial first. During a defendant's initial court appearance (Arraignment) a jury trial or trial by judge may be scheduled without a pre-trial depending on the circumstances of the case. Pre-trial hearings provide an effective means of caseflow management because they handle the defendant's challenges to the charges filed; dispose of issues that do not relate to the merits of the case; and assure in advance that the time set for disposition of non-contested cases will not be taken up by other matters.

Activity: Jury Trials

The 6th and 7th Amendments of the U.S. Constitution guarantee the right to trial by jury. The Texas Constitution likewise states that in all criminal prosecution in Texas the accused has a right to a jury trial. The right to a jury trial is absolute, and if a defendant does not want a jury trial, he/she must waive that right. Since municipal courts were established by the legislature to have criminal jurisdiction, defendants have a right to a jury trial.

Jury Trials are held on the second, third, and fourth Wednesday of the month at 1:00 p.m. The judge is responsible for maintaining court calendars in setting out all the trial dockets for at least three months in advance. The docket coordinator is responsible for preparing jury trial dockets and summoning prospective jurors.

In preparing for summoning prospective jurors, the docket coordinator prepares a writ of venire (Order from judge to clerk to summon prospective jurors) for the judge's approval. After written approval, the clerk randomly selects jurors by using the Incode system to download the county's voter registration list of Sugar Land residents. To be eligible to serve on a municipal court jury, a person must be a resident of the municipality for which the court is established. If the docket coordinator is preparing for a jury trial docket, fifty (50) jury summons are generated from the system, anticipating six (6) persons will be selected for each jury panel.

A jury trial docket may contain up to six (6) cases with equal number of defendants/trials. On jury trial days, the court staff prepares for walk-in traffic, particularly citizens summoned for jury service. Two (2) to three (3) CAST volunteers assist the court staff in directing people in the lobby.

The court maintains a petty cash fund specifically for juror fees. For each juror signed-in, the court clerk issues \$6.00 cash fee and provides a juror badge. If a juror refuses/declines the fee, the court clerk ensures the juror signs/indicates declining of fee.

After the jury trial verdict is announced, the judge renders a judgment. If the decision of the jury is not guilty, the judge enters a finding of not guilty, dismisses the case, and releases the defendant from all liability. If a jury fails to agree to a verdict after being kept together for a reasonable amount of time, then a mistrial occurs. The case may be tried again as soon as practicable. All judgments and final orders of the judge are rendered in open court. If the defendant is not satisfied with the judgment of the court or verdict of the jury, he or she may appeal his or her case or request a new trial. The docket coordinator provides information (Rules of the Court) for filing an appeal.

Activity: Trials by Judge/Bench Trials

Trials offer access to defendants and their attorneys, or pro se defendants, who are scheduled to have a fair, accurate, and efficient trial by judge in accordance with law in which a fine may be imposed.

Bench trials, also known as trial by Judge, are scheduled on Thursdays at 1:00 p.m. as needed. The judge works with the docket coordinator in maintaining a calendar for scheduling bench trials. During a bench trial, the judge hears the evidence and decides whether the defendant is guilty or not guilty based solely upon the evidence presented at trial. A typical bench trial docket may include up to ten (10) cases, with equal number of defendants/trials.

Activity: Juvenile Night Court

State law defines juveniles as those persons who are at least 10 years old but under 17 years old charged with criminal offenses. More serious infractions by juveniles are handled confidentially rather than in open court; however, this practice may be waived by the juvenile upon request. Parents or legal guardians of juveniles who are defendants in the Sugar Land Municipal Court are required to be present during all proceedings with the juvenile.

Juvenile Night Court is held the third Monday of each month at 5:00 p.m. to accommodate both the schedules for the parents as well as students. If a holiday falls on the third Monday of the month, juvenile court is scheduled for the following Monday. Juveniles can also attend court Tuesday through Friday, during arraignments.

Service: Photo Red Light Camera Enforcement Appeals

Photo Red Light Camera Enforcement is a Sugar Land Police Department public safety initiative. Municipal court's role is to provide the appeal process for defendants who are charged with the civil offense of running a red light at intersections that have cameras documenting the violation.

The owner of a vehicle photographed running a red light will be subject to a \$75 fine per the Code of Ordinance, Article V, Sec 5-158. Notices with an image of the violation are mailed to the owner of the vehicle within 30 days of the red light offense. The "Notice of Violation" contains images of the violating vehicle before it enters the intersection, while it is in the intersection and of the license plate. Payment options are included, as well as instructions to appeal the violation through an administrative hearing.

Per the Code of Ordinance, Article V, Sec. 5-161, the owner of a motor vehicle may contest the imposition of the civil penalty by filing a written request for an administrative adjudication hearing within 30 days from the date the notice of violation was mailed. The administrative adjudication hearing will be held within 30 days of the date the hearing was requested. The City Council will appoint an administrative adjudication hearing officer or officers to preside over the administrative adjudication hearing. The hearing officers have the authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents.

Red light camera administrative hearings are held every Monday at 9:00 a.m. and the police department provides staff to present video evidence to defendants. These hearings are scheduled through the police department. The hearings are held in the main courtroom. Defendants appearing for these hearings do not check in the court window, rather they sign in and are directed to have a seat in the lobby and wait for their name to be called by an officer.

In the event the defendant is not satisfied with the finding of liability at the hearing, they are instructed to schedule an appeal hearing with municipal court. This service is provided at the court window only. The defendant must file a "Notice of Appeal Petition" and the court clerk will provide them a copy of this petition indicating the next scheduled date for appeal hearings in the court. The docket coordinator is responsible for preparing the appeal hearing docket. Photo Enforcement Appeal Hearings are scheduled the first Tuesday of each month at 1:30 p.m.

If the judge finds the defendant liable at the appeals hearing and orders payment of the \$75.00 fee; the judge informs the defendant that he/she will be receiving a Notice of Determination in the mail that provides instructions for payment. If the judge finds the defendant not liable of any fees, the judge informs the defendant that he/she will receive "Notice of Determination" in the mail indicating no amount is due. The police department is also notified of the judgment.

Service: Magistrate

Municipal court judges are also magistrates. As a magistrate, the judge has additional duties to perform such as: issue emergency protection orders for an offense involving family violence; conduct peace bond hearings; accept complaints and issue arrest warrants and summonses for Class A and B misdemeanors and felony offenses; give magistrate warnings after an arrest; take a plea and set and collect a fine when a defendant is arrested on an out-of-county warrant for fine-only offense; order a defendant to submit an examination in a mental health facility determined by a local mental health authority's request; set and accept bail, including personal bonds; issue search warrants; and conduct license suspension hearings.

The presiding judge of the Sugar Land municipal court has established a policy that any prisoner who is to be seen by a municipal court judge should be seen within 24 hours of arrest. There is no regularly scheduled jail docket or time that prisoners will be brought before magistrate. The court maintains an on-call calendar for the presiding judge and the four (4) associate judges to cover seeing prisoners in jail. The on-call calendar is based on a rotation schedule. The docket coordinator assists the judge in printing and distributing the calendar each month. Each work day, the presiding judge arraigns prisoners at the Sugar Land Police Department's Detention Center. On the weekends, persons arrested and taken into custody are arraigned by one of the associate judges on-call.

Service: Warrants

Municipal Judges have authority to issue warrants of arrest for fine-only misdemeanor filed in their court. A "warrant of arrest" is a written order from a Judge directed to a peace officer, commanding the officer to take the body of the person accused of an offense, to be dealt with according to law. Arrest warrants are issued when a defendant fails to appear in court. Capias pro fine warrants are issued when a defendant has entered a plea however defaults on payment of fine and court costs.

Activity: Warrant Activity

The Court is staffed with one (1) full-time warrant coordinator and one (1) full-time court services specialist who process warrants on a daily basis. The court also has on staff two (2) full-time warrant officers and one (1) court bailiff who are employed by the Sugar Land Police Department.

The warrant officers are responsible for effectively and efficiently enforcing court judgments resulting in arrest warrants or capias pro fine warrants. Warrant officers efficiently coordinate with other courts and/or law enforcement agencies in order to serve warrants. The warrant officers also perform research to locate defendants with outstanding warrants in order to determine their whereabouts. Once a defendant has been located, warrant notices are mailed to the last known address. Notification by phone is made by the court's automated system to inform defendants that they have outstanding warrants. Warrant officers also make attempts to serve warrants at residences and places of employment.

When warrants are cleared, the Warrant Coordinator and/or court clerk enters information in court system and notifies OMNI and SLPD dispatch of the removal of the warrant. The court continues to provide assistance, case resolution and payment processing services for non-compliant defendants being held accountable for satisfying court ordered financial obligations.

Activity: Delinquent Collections

In 2001, the Texas Legislature adopted Senate Bill 1778, which amended the Texas Code of Criminal Procedure. The amended law allows the governing body of a municipality that enters into a collection service to authorize the addition of a 30% add-on collection fee to all adjudicated cases and for unadjudicated cases that occurred after June 18, 2003 that are more than 60 days past due and have been referred to the attorney vendor for collection. The City has contracted collection services with the law firm of McCreary, Veselka, Bragg, and Allen (MVBA) of Round Rock, Texas. MVBA provides this service and works closely with the court in ensuring full payment of delinquent court fines and fees are collected from defendants in warrant status. Cases are submitted to MVBA once they are 90 days past due. Once the cases have been received by MVBA they begin notifying defendants with delinquent cases by phone and by mail.

Service: Community Service

The municipal court has provided a wide range of resources (Approximately 14 approved non-profit agencies) for defendants to perform community service work for case resolution. The list of approved agencies is located on the City's website under municipal Court. Community service must be performed at one of the organizations on the list. Any other organization must be approved by the judge before performing the service. Written requests may be faxed to the municipal court. Proof of community service must be on the organization's letterhead stating number of hours performed. This may be provided in person, mail or fax upon completion.

A part-time juvenile community service worker coordinator works with the juvenile defendant to schedule community service and properly document and track the hours performed.

Activity: Juvenile Community Garden Program

The City of Sugar Land Juvenile Community Garden Program started in October of 2000 on the Public Works complex. The program was funded with a federal grant from the Texas Office of the Governor's Criminal Justice Division as well as donations. The program was established to provide a place for juveniles to perform community service. The garden serves as an avenue for juveniles age 16 years old and under to learn from their mistakes by performing community at the garden. Instead of paying municipal citations for Class C misdemeanor offenses, some juveniles chose to work in the garden. Over time, other community service programs have become available. The approved community service list is available on the city's website.

The court's part-time juvenile community service worker coordinator is responsible for coordinating the community service program, including supervising the youths at the garden and scheduling and interviewing the juveniles and documenting the hours worked. It is the general expectation that the community service be completed within 90 days of being ordered by the judge. Juveniles are scheduled to work on Saturday mornings 8:00 a. m. to 12:00 p. m.

Volunteers from the Fort Bend County Master Gardeners through a contract provided the garden for the youth to work, and the local garden clubs help the youth in learning how to help tend a garden. Volunteers, through the City's Serve Sugar Land Program, can also volunteer to help show the juveniles how to garden.

A challenge for the municipal court in fiscal year 2014 will be deciding where to relocate the community garden. Currently the community garden is located on the property adjacent to the public works building. The public works department will be expanding their division in the upcoming year. The result of this expansion means that the municipal court will have to relocate the community garden. Once a new location for the garden has been determined, court management will have to oversee the relocation process. The court will continue to offer juvenile a list of other places that they can perform their community service during the transitional period.

SERVICE LEVEL EXPECTATIONS

Program: MUNICIPAL COURT	
Service (Activity)	Service Level Expectation
Customer Service Coordination	<ul style="list-style-type: none"> • Provide high quality assistance to citizens and defendants appearing in court, by live phone response, via the internet, or through the automated telephone service 24/7. • Maintain an effective automated phone system that reminds defendants of court dates and pre-warrant status. • Provide a court brochure for use at traffic stops to inform defendants of their options. • Provide timely assistance to law enforcement, attorneys and other criminal justice agencies, or courts.
<i>Collections</i>	<ul style="list-style-type: none"> • Provide efficient payment processing services through Insite (online payment option), automated telephone service, court window, and telephone inquiry responses.
<i>Court Case Records</i>	<ul style="list-style-type: none"> • Promptly comply with citizen's request of court case records (Except juvenile cases) within ten (10) business days.
Arraignments & Trials	<ul style="list-style-type: none"> • Timely offer access to court at 8:00 a.m. Tuesday through Friday in preparation of checking in all defendants by 9:00 a.m. who are making their initial court appearance. • Treat the citizens who appear before court in a courteous and efficient manner and provide fair, impartial, and timely disposition of their cases.
<i>Pre-Trials</i>	<ul style="list-style-type: none"> • Timely offer access to defendants and their attorneys, or pro se defendants, who are scheduled to see the Prosecutor and appear before the Judge for case documentation and problem solving information services.
<i>Jury Trials</i>	<ul style="list-style-type: none"> • Timely offer access to defendants and their attorneys, or pro se defendants, who are for jury trial. • Provide an adequate and suitable environment for jurors to perform their civic duty. • Pay juror a reasonable fee of \$6 for their service.
<i>Trials by Judge/Bench Trial</i>	<ul style="list-style-type: none"> • Timely offer access to defendants and their attorneys, or pro se defendants, who are scheduled to appear for a trial by judge.

<i>Juvenile Night Court</i>	<ul style="list-style-type: none"> • Schedule hearings and to timely offer access to juveniles who are at least 10 years old but under 17 years old access to juvenile court held at 5:00 p.m. on the third Monday of each month.
Photo Enforcement Appeals	<ul style="list-style-type: none"> • Timely offer access to persons who have filed an appeal before the Judge for civil violations related to the red light camera/photo enforcement program.
Magistrate	<ul style="list-style-type: none"> • Strictly adhere to state law that requires arraigning prisoners within 48 hours.
Warrants	<ul style="list-style-type: none"> • Warrant Division will effectively and efficiently enforce court judgments resulting in arrest warrants or capias pro fine warrants.
<i>Warrant Activity</i>	<ul style="list-style-type: none"> • Fully utilize the court's case management system to process, generate and clear all warrants ordered by the Judge complying with established policy and procedures.
<i>Delinquent Collections</i>	<ul style="list-style-type: none"> • Closely coordinate with the collection agency in receipting/collecting fines and fees on warrant cases. • Maintain accurate and efficient collection reports as performance measures of collection agency efforts.
Community Service	<ul style="list-style-type: none"> • To provide a wide range of resources (approved non-profit agencies) for defendants to perform community service work for case resolution.
<i>Juvenile Community Garden Program</i>	<ul style="list-style-type: none"> • To provide a work environment for juveniles aged 16 and under to perform community service allowing flexible work schedules and ultimately providing an avenue for youths to learn from their mistakes.

SERVICE LEVEL MEASURES

Program: Municipal Court		Expected Result	
Service	Service Level Measure	FY13	FY14
Customer Service Coordination	Court Option Brochure Tally	820	860
	Average Number of Cases Handled Per Clerk	47,200	48,600
	Percent of Staff Receiving Training to Increase Efficiency in Court Operations	75%	100%
Arraignments & Trials	Number of Cases Resolved at Arraignment	33,438	34,100
Photo Enforcement Appeals	Number of appeals	15	25
Magistrate	Number of jailed persons before Judge	3,187	3,235
Warrants	Percent of Warrants Cleared vs Receivables (Outstanding Warrants)	56%	59%
	Number of Days From Last Day of Month to Complete Reporting	3	3
Community Service	No. of completed community service cases	731	742
<i>Service with Activities Defined</i>	<i>Service Level Measures for Activities Below:</i>		
Collections	Number of Disposed Cases	22,500	23,200
	Number of Payment Transactions Received Via Online per Month	1,200	1,500
	Dollar Amount of Non-Electronic Transactions	\$1,928,160	\$1,986,004
Judicial Records	Number of requests for court records	144	150
Pre-Trials	Number of pre-trials	2,318	2,352
Judge Trials	Number of judge trials	86	95
Jury Trials	Number of jury trials	195	210
	Percentage of Juror Exemptions vs Jurors Serving	58%	50%
	Avg number of jurors appearing per trial date	20	25
Juvenile Night Court	Number of juvenile court cases	130	149
Warrant Activity	Number of warrants generated	5,150	5,584
Delinquent Collections-MVBA	Amount of warrant collections	\$968,298	\$982,822
Juvenile Community Program	Number of garden program participants	60	70
	Percent of Juvenile Offenders Successfully Completing Community Service Within Established Period of Time	75%	75%